

## Chapter 2.16

### CAMPAIGN REGULATIONS

2.16.005 Purpose. This Chapter is intended, among other things: [Ord. 659]

A. To promote an educated electorate by providing information to assist in the evaluation of ballot choices and to make an informed choice;

B. To accomplish fair and honest elections;

C. To deter corruption by regulating and making public those contributions whose amount is significant in light of the circumstances of the City;

D. To gather information in order to detect violations of the provisions of this Chapter

#### 2.16.010 Application of Chapter.

A. The provisions of this Chapter are applicable only to: [Ord. 411, 624]

1. Candidates seeking election in the City Council, their controlled committees, or committees formed or existing primarily to support or oppose their candidacies; and

2. Committees formed or existing primarily to support or oppose a candidate, or to support or oppose the qualification of, or passage of, a local ballot measure which is being voted on only in the City, and to City general purpose committees active only in the City.

B. When the term "committee" appears (1) in this Chapter or (2) in provisions of the Political Reform Act of 1974, as amended, and is used by this Chapter to create duties, it refers to a person or combination of persons when such person or combination of persons:

1. Receives, for a particular City election, campaign contributions totalling \$250 or more; or

2. Expend for a particular City election a total of \$250 or more.

C. Unless otherwise provided herein, the provisions, definitions and interpretations of the Political Reform Act of 1974, as amended, are to be relied upon in administering this Chapter. (Gov. Code 81000 et seq.)

D. The requirements of this Chapter are in addition to, and shall not be administered or interpreted in conflict with, the requirements of the Political Reform Act of 1974, as amended.

2.16.020 Del Mar Statement of Organization.

A. Time For Filing.

1. Except as provided in this Section, within 10 days of a committee coming into existence in accordance with this Chapter, the committee shall file with the City Clerk a "statement of organization" on a form approved by the City Clerk, setting forth the information contained in Government Code section 84102. The committee shall thereafter comply with the regulations imposed on committees by this Chapter.

2. If a committee comes into existence in accordance with this Chapter within 15 or fewer days prior to an election in which the committee participates, then, within 24 hours of the committee coming into existence, the committee shall file with the City Clerk a "statement of organization" on a form approved by the City Clerk, setting forth the information contained in Government Code section 84102. The committee shall thereafter comply with the regulations imposed on committees by this Chapter.

B. Report of Changes.

1. Except as provided in this Section, within 10 days of any change in information contained in its statement of organization, the committee shall file with the City Clerk an amendment setting forth the change in information.

2. If a change in information contained in its statement of organization occurs within 15 or fewer days prior to an election in which the committee participates, then, within 24 hours of such change, the committee shall file with the City Clerk an amendment setting forth the change in information.

2.16.030 Contribution Disclosure. Each candidate and committee, as defined in this Chapter, shall file campaign statements when and in the manner specified in the Political Reform Act of 1974, as amended. In addition to the information required by the Political Reform Act of 1974, as amended, each candidate and committee filing a campaign statement shall, for each contribution of \$20 or more, disclose the information required by Government Code Section 84211(f).

2.16.040 Limitation: Contribution to Candidates.

A. No person shall contribute more than \$100 total to a candidate or such candidate's controlled committees for any election. [Ord. 781]

B. No person shall solicit or retain a contribution from any person when such contribution shall cause the contributor to be in violation of subsection A herein.

C. The provisions of this Section do not limit a candidate in making contributions of his or her personal funds to his or her own campaign contribution account.

2.16.050 Identification of Source of Campaign Material.

A. Election To Fill City Council Office. It is unlawful for any candidate or a candidate controlled committee to either display to the public within the City or distribute 50 or more copies within the City of the same written or printed campaign material concerning a City election for the office of City Council, unless the campaign material contains the information required by this Section.

B. Information Required. In displaying and distributing campaign material which is subject to this Section, the candidate or candidate controlled committee shall include the following information:

1. The name of the candidate, the committee, or the name of the treasurer of such candidate or committee;

2. The fact that the material was paid for by that candidate or committee;

3. If the committee is a controlled committee, the name of the person controlling the committee.

C. The information required by this Section shall appear on the face of each piece of campaign material displayed or distributed. [Ord. 773]

1. Print Media: All disclosure statements on printed materials designed to be distributed personally or through the mail shall be printed in type no less than 10-points in size and shall be printed in a contrasting color to the background on which it appears.

2. Over-Size Print Media: All disclosure statements on printed materials that are larger than those designed to be individually distributed (i.e. yard signs, billboards) shall constitute at least five percent (5%) of the height of the advertisement and shall be printed

in a contrasting color to the background on which it appears. [Ord. 773]

#### 2.16.060 Penalties

A. Any person who knowingly or willfully violates any provision of this Chapter may be prosecuted for an infraction or a misdemeanor, at the discretion of the City's special counsel.

B. Any person who violates a provision of this Chapter shall be liable in a civil action for damages in the amount of three times the amount not properly reported or unlawfully contributed, solicited or accepted, or expended on illegally distributed campaign materials, not to exceed \$1,000.00. Upon collection, said sum shall be deposited into the general fund of the City. (Gov. Code Section 36901)

C. Any person who violates a provision of this Chapter by failing either to file a statement of organization or report a change of information in a filed statement of information shall be liable in a civil action for damages in the amount of \$1,000.00. Upon collection, said sum shall be deposited into the general fund of the City. (Gov. Code Section 36901)

#### 2.16.070 Enforcement

A. The City Attorney shall not investigate or prosecute any alleged violation of this Chapter, but may defend the constitutionality and legality of this Chapter in any civil proceeding in which the City or the City Council is a party.

B. An action on behalf of the City alleging a violation of this Chapter may be commenced only by special counsel appointed and retained by the City Council.

1. Persons residing in the City who believe that a violation of this Chapter has occurred may file a written complaint requesting investigation of such violation by the special counsel.

2. Whether or not a resident's written complaint is received, if the special counsel determines that there is reason to believe a violation of this Chapter has occurred, special counsel is authorized to conduct an investigation and may commence such administrative, civil or criminal legal action as special counsel deems necessary to enforce this Chapter.

3. Special counsel shall have investigative powers as are necessary for the performance of the duties described in this Chapter and may demand and shall be furnished records of campaign contributions and expenditures of any person or committee subject to this Chapter. Special counsel shall be immune to liability for special counsel's enforcement of this Chapter.

C. Any resident of the City may bring a civil action, in a court of competent jurisdiction, regarding the provisions of this Chapter:

1. To enjoin an actual or threatened violation;

2. To compel compliance by a private person; or

3. To obtain judicial declarations.

D. Any action alleging a violation of this Chapter must be commenced within 6 months of the time the alleged violation occurred.

**ORDINANCE NO. 781**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DEL MAR,  
CALIFORNIA AMENDING DEL MAR MUNICIPAL CODE SECTION  
2.16.040 (A) – LIMITATION: CONTRIBUTION TO CANDIDATES.**

**WHEREAS**, the City of Del Mar desires to promote community involvement in its local elections; and

**WHEREAS**, the City of Del Mar desires to promote an educated electorate by providing information to assist in the evaluation of ballot choices and to make an informed choice; and

**WHEREAS**, the City of Del Mar desires to limit the ability or the perception of any corruption of its local elections and to accomplish fair and honest elections; and

**WHEREAS**, the City of Del Mar desires to deter corruption by regulating and making public those contributions whose amount is significant in light of the circumstances of the City; and

**WHEREAS**, the City of Del Mar, California, finds that by regulating the maximum campaign contribution, the City can both promote the involvement of its citizens in local elections and reduce the ability or perception of corruption in its local elections.

**NOW THEREFORE**, the City Council of the City of Del Mar does ordain as follows:

**SECTION ONE:**

That Section 2.16.040 (A) of the Municipal Code is amended to read as follows:

A. No person shall contribute more than \$100 total to a candidate or such candidate's controlled committees for any election.

**SECTION TWO:**

This ordinance shall become effective 30 days after the date of adoption.

**SECTION THREE:**

This ordinance was introduced on November 7, 2005.

**SECTION FOUR:**

The City Clerk is directed to prepare and have published a summary of this ordinance no less than five days prior to the consideration of its adoption and again within 15 days following adoption indicating votes cast.

**PASSED AND ADOPTED** this 21st day of November 2005, by the following vote, to wit.

AYES: Councilmembers Crawford, Hilliard; Mayor Finnell

NOES: Councilmember Druker

ABSENT: Councilmember Abarbanel

ABSTAIN: None

(d)(5)

JERRY FINNELL, Mayor  
City of Del Mar, California

**ATTEST AND CERTIFICATION:**

I hereby certify that this is a true and correct copy of Ordinance No.781, which has been published pursuant to law.

(d)(5)

CONNIE SMITH, Deputy City Clerk  
City of Del Mar, California